THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of SEPTEMBER, 1994, there was conducted a SPECIAL PUBLIC Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same. THE COURT MET AT:

PRESENT:

11:30 A. M.	ANTONIO O. GARZA, JR. COUNTY JUDGE
	LUCINO ROSENBAUM, JR. COMMISSIONER, PRECINCT NO. 1
	CARLOS H. CASCOS COMMISSIONER, PRECINCT NO. 2
	JAMES R. MATZ COMMISSIONER, PRECINCT NO. 3
	NATIVIDAD VALENCIA COMMISSIONER, PRECINCT NO. 4
	INELDA T. GARCIA Deputy COUNTY CLERK
	ABSENT:

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The Special Meeting and Workshop were called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Elizabeth Allen, Brownsville Herald Reporter, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on September 6, 1994, at 11:01 A. M.:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved as recommended by the County Auditor.

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(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES (PASS)

The Budget Officer stated that there were no Budget Amendments and/or Salary Schedules.

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(3) APPROVAL OF MINUTES' OF AUGUST 23, AND AUGUST 30, 1994

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held on August 23, 1994, at 1:30 P. M. and the Regular Meeting held on August 30, 1994, at 1:30 P. M. were approved.

At this time, Mr. Mark Yates, County Auditor, noted that the approval of Item No. 5 to the Minutes of August 23, 1994, should read: "that the loan to Fund No. 6, 1991 Certificates of Obligation, in the amount of the receivables, be authorized to cover the cash shortage". He explained that the amount of the receivables was discussed but that the motion did not specify said amount and the members of the Court concurred.

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(4) AUTHORIZATION TO ADOPT AN ORDER AUTHORIZING NOTICE OF SALE OF CAMERON COUNTY DRAINAGE DISTRICT NO. 5, UNLIMITED TAX BONDS, SERIES 1994

Commissioner Matz moved that the Order authorizing Notice of Sale of Cameron County Drainage District No. 5, Unlimited Tax Bonds, Series 1994, be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Order is as follows:

(5) AUTHORIZATION TO APPOINT MRS. MARY MARTHA MILLER TO THE CAMERON COUNTY CHILD WELFARE BOARD

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the appointment of Mrs. Mary Martha Miller to serve on the Cameron County Child Welfare Board, was approved.

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(6) AUTHORIZATION TO APPOINT REPRESENTATIVES AND ALTERNATE TO THE AMIGOS DEL VALLE BOARD

Commissioner Valencia moved that Commissioner Rosenbaum be appointed to serve as a Representative to the Amigos Del Valle Board.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(8) AUTHORIZATION TO SELECT SALARY GRIEVANCE COMMITTEE

Ms. Rosemary Martinez, Budget Officer, recommended that the current Grand Jury List be designated to serve on the Salary Grievance Committee.

Commissioner Matz moved that the current Grand Jury List be designated for the selection of the Salary Grievance Committee.

The motion was seconded by Commissioner Valencia and carried unanimously.

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"CONSENT" AGENDA ITEMS

THE FOLLOWING ITEMS WERE RECOMMENDED FOR "CONSENT" AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow, exclusive of Items No. 11, No. 18, and No. 21, and Item No. 24 "g" amended to include Commissioners Rosenbaum and Cascos:

- (10) AUTHORIZATION TO PURCHASE WARRANTY ON LABOR COVERING TEN (10) NEW AIR CONDITIONING UNITS AT \$20.00 PER UNIT, FOR A TOTAL OF \$200.00, LOCATED AT THE NEW DETENTION CENTER. THE PERIOD OF COVERAGE WILL BE THE 13TH THROUGH THE 60TH MONTH FOLLOWING INSTALLATION
- (12) ACKNOWLEDGEMENT OF THE APPOINTMENT OF COMMISSIONER LUCINO ROSENBAUM, JR., TO THE BROWNSVILLE ECONOMIC DEVELOPMENT COUNCIL BOARD
- (13) AUTHORIZATION TO AWARD BIDS FOR:

KELLOGG CHEVROLET, San Benito, Texas A) Mini Van - without trade - \$15,894.00

- (14) AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS (RFP) NO. 94-08-01 FOR ONE (1) CLOSED CIRCUIT TELEVISION SYSTEM (CASH OR LEASE PURCHASE) FOR THE TAX DEPARTMENT The Request for Proposals received and opened follow:
- (15) AUTHORIZATION TO OPEN BIDS FOR ONE (1) ASPHALT DISTRIBUTOR TRUCK WITH TWO THOUSAND (2,000) GALLON TANK (CASH OR LEASE PURCHASE) FOR PRECINCTS NO. 1 AND NO. 2

 The bids received and opened follow:
- (16) AWARD OF TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP)

CONTRACT NO. 702025 (LAS PALMAS NO. 1, NO. 2, AND NO. 3) TO CUBCO CONSTRUCTION INCORPORATED, AND TCDP CONTRACT NO. 702021 (LAS PALMAS NO. 4) TO JIMMY CLOSNER AND SONS, INCORPORATED, AND AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE RESULTING CONTRACTS

- (17) ACTION REGARDING THE CAMERON COUNTY HEALTH DEPARTMENT SERVING AS A TRAINING SITE FOR THE ASSOCIATE DEGREE AND VOCATIONAL NURSING PROGRAM OF THE UNIVERSITY OF TEXAS AT BROWNSVILLE SCHOOL OF HEALTH SCIENCE The Agreement follows:
- (19) APPROVAL TO EXECUTE BEACH MAINTENANCE CONTRACT FOR FISCAL YEAR 1994 BETWEEN THE CAMERON COUNTY PARK SYSTEM AND THE TEXAS GENERAL LAND OFFICE The Contract follows:
- (20) APPROVAL OF FINAL PAYMENT TO DENNIS FORTASSAIN, LANDSCAPE ARCHITECT/PROJECT MANAGER FOR THE SMALL BUSINESS ADMINISTRATION (SBA) TREE GRANT AT THE FREE TRADE BRIDGE AT LOS INDIOS
- (22) AUTHORIZATION TO AMEND SERVICES CONTRACT WITH MARTIN AND BROWN ENGINEERING BY \$8,100.00 TO COMPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDoT) REGULATIONS The Amendment follows:
- (23) AUTHORIZATION TO DEDICATE TO MILITARY HIGHWAY AND WATER SUPPLY CORPORATION TWO (2) 15 FOOT X 20 FOOT UTILITY EASEMENTS WITHIN CAMERON COUNTY RIGHT-OF-WAY (R-O-W) ALONG OLD MILITARY HIGHWAY, SAN PEDRO The Easement follows:
- (24) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
 - a) Cameron County Drug Enforcement Task Force Director to attend the "Texas Narcotic Control Program (TNCP) Directors Meeting" in San Antonio, Texas on September 1, 1994;
 - b) Parks Director to attend the "National Association of State Park Directors Annual Conference" in Austin, Texas, on September 8-9, 1994;
 - c) District Clerk, Chief Deputy and Supervisor to attend the "Texas Association of Counties (TAC) Seminar" on Investments and Supervisors at the Attorney General's Office and review Child Support System in Travis County, Texas, on September 8-11, 1994;
 - d) Two (2) Officers from the Cameron County Drug Enforcement Task Force to attend the "Undercover Operations for Narcotics Enforcement School" at Texas A & M, Texas, on September 19-22, 1994;
 - e) Justice of the Peace Precinct No. 3, Place No. 2 to attend the "Justice of the Peace Seminar" in Corpus Christi, Texas, on September 19-23, 1994;
 - f) County Court at Law Judge No. 1 to attend the "Probate Seminar" in San Antonio, Texas, on September 8-10, 1994;
 - g) Bridge System Director, Commissioner Rosenbaum and Commissioner Cascos to attend the "Bi-Lateral Conference on Bridges and Border Crossings" in California, on September 19-21, 1994; and
 - h) Justices of the Peace Precinct No. 3, Place No. 1, and Precinct No. 7 to attend
 the "Justice of the Peace Seminar" in Corpus Christi, Texas, on September 19 23, 1994.

ITEM NO. 14 AUTHORIZATION TO OPEN REQUEST FOR PROPOSALS (RFP) NO. 94-08-01 FOR ONE (1) CLOSED CIRCUIT TELEVISION SYSTEM (CASH OR LEASE PURCHASE) FOR

THE TAX DEPARTMENT

The Request for Proposals received and opened follow:

ITEM NO. 15 AUTHORIZATION TO OPEN BIDS FOR ONE (1) ASPHALT DISTRIBUTOR TRUCK WITH TWO THOUSAND (2,000)

GALLON TANK (CASH OR LEASE PURCHASE) FOR PRECINCTS NO. 1 AND NO. 2

The bids received and opened follow:

ITEM NO. 17

ACTION REGARDING THE CAMERON COUNTY HEALTH DEPARTMENT SERVING AS A TRAINING SITE FOR THE ASSOCIATE DEGREE AND VOCATIONAL NURSING PROGRAM OF THE UNIVERSITY OF TEXAS AT BROWNSVILLE SCHOOL OF HEALTH SCIENCE The Agreement follows:

ITEM NO. 19

APPROVAL TO EXECUTE BEACH MAINTENANCE CONTRACT FOR FISCAL YEAR 1994 BETWEEN THE CAMERON COUNTY PARK SYSTEM AND THE TEXAS GENERAL LAND OFFICE The Contract follows:

AUTHORIZATION TO AMEND SERVICES CONTRACT WITH MARTIN AND BROWN ENGINEERING BY \$8,100.00 ITEM NO. 22 TO COMPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDoT) REGULATIONS

The Amendment follows:

ITEM NO. 23

AUTHORIZATION TO DEDICATE TO MILITARY HIGHWAY AND WATER SUPPLY CORPORATION TWO (2) 15 FOOT X 20 FOOT UTILITY EASEMENTS WITHIN CAMERON COUNTY RIGHT-OF-WAY (R-O-W) ALONG OLD MILITARY HIGHWAY, SAN PEDRO The Easement follows:

(7) IN THE MATTER TO APPLY TO FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GRANT FUNDS TO CONSTRUCT HURRICANE PRE-DEPLOYMENT CENTER IN LAGUNA MADRE AREA (TABLED)

Mr. Kenneth Conway, Parks Director, stated that he had been notified regarding matching Grants available from the Federal Emergency Management Act (FEMA) for the construction of an Emergency Preparation Center. He stated that he had discussed the matter with the entities in the Laguna Madre area and that most of them had expressed an interest in being financial participant of the Project. He stated that the proposed Pre-deployment Facility would be designed to withstand a "category five (5)" storm, and would house heavy equipment, equipment operators, and possibly Law Enforcement and Emergency Medical Personnel that could be deployed to the area needing assistance.

Mr. Conway reported that the City of Port Isabel, Cameron County Freshwater District No. 1, Central Power and Light Company, and the Town of South Padre Island had shown some interest, but that the matter had not been presented to their elected officials for a decision.

Mr. Conway proposed that the Parks System contribute up to a maximum of \$35,000.00 from any surplus from the Fiscal Year 1995 Capital Improvement Programs and an additional \$15,000.00 of labor for the site work. He reported no site had been selected but that the site would probably have to be in Port Isabel, Flood Zone C Level, and added that FEMA had specific standards for the construction and the supplies to be utilized.

Commissioner Matz questioned the Grant Application process since the Parks Director was proposing to commit Fiscal Year 1995 funds and Mr. Conway responded that the Proposal would be for \$100,000.00 from the participants, assuming a match for a \$200,000.00 total construction cost.

Commissioner Matz clarified that the proposed facility would be a "pre-deployment" type of operation located in an area not hindered or blocked by flooding, and not an Emergency Operation Center.

Judge Garza questioned the lack of participation from the Town of South Padre Island and Port Isabel and Mr. Conway responded that none of the entities had taken formal action but had been involved in the discussions.

Commissioner Cascos suggested that the Parks Director discuss not only the Proposal with the entities, but to attempt to obtain their commitment to participate in the future maintenance and operation costs of the facility.

There was some discussion regarding the matching portion from the entities and the inherent costs to be shared on a "pro rata" formula, based on space and beds that an entity would need or be allocated.

Commissioner Cascos stated that he felt reluctant to participate without a commitment from the entities and the suggestion was made to table the matter in order for Mr. Conway to obtain the information requested by the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was tabled for one (1) week.

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(11) AUTHORIZATION TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR FOR THE COLLECTION OF AD VALOREM TAXES

Mr. Tony Yzaguirre, Tax Assessor-Collector, stated that he had been approached by the Los Fresnos Independent School District regarding the collection of their Ad Valorem Property Taxes. He stated that the proposed Interlocal Agreement was a standard Agreement used by the other Districts and that the only difference was the amount being charged was a flat fee to be paid in advance, instead of a one percent (1%) fee. He stated that the Contract was for twelve (12) months but would be serviced for eleven (11) months because the tax bills would be mailed out in November, and added that the postage and printing would be paid by the School District.

Mr. Mark Yates, County Auditor, stated that the County would collect the taxes for eleven (11) months instead of the twelve (12) months and added that the School District had particular needs that did not meet the normal course of action as with the other entities. He stated that the County had lost \$17,000.00 worth of revenue because the City of San Benito withdrew from the County and that the Contract with the School District would help off-set the decreased revenue. He added that the reduction of services provided to the School District and the fact that they were to handle their special mailing warranted a reduction in cost.

Ms. Rosemary Martinez, Budget Officer, stated that she requested the clarification on this particular Contract because the Policy was to assess a one percent (1%) commission as the fee for the collection of taxes and not a flat fee, and in order not to jeopardize the collection rate of the other entities.

Judge Garza asked how close the flat fee was to the one percent (1%) fee and Mr. Yates replied that it was approximately two-thirds of one percent (1%).

Commissioner Matz added that the County handled the mailing and postage and other costs for the other entities.

Mr. Doug Wright, Cameron County Counsel, stated that he had made several suggestions to the County Auditor and that the legal issue was whether the difference in the amount being charged could be objectively explained and the exceptions could be justified.

Judge Garza questioned whether the statute was to charge one percent (1%) of the cost and Mr. Yates replied that the statute provided for "actual" costs and added that the County had in the past assessed two percent (2%) on current and five percent on delinquent billing. Mr. Yates stated that the current tax collection system needed to be evaluated and added that the intent of the commission fee was to cover the actual costs incurred.

Mr. Yates recommended that the Contract specify a termination date of September 30, 1995, and suggested that the "auto renewal" language be deleted because the current charge system might change after the evaluation.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Interlocal Agreement between the Los Fresnos Consolidated Independent School District and the Cameron County Tax Assessor-Collector was approved, for the collection of Ad Valorem Taxes.

The Agreement is as follows:

(18) APPROVAL OF AGREEMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND OBSTETRICIAN/GYNECOLOGIST (OB/GYN) ASSOCIATES OF BROWNSVILLE, LIMITED, TO PROVIDE PRE-NATAL AND OBSTETRICAL SERVICES IN THE COUNTY BROWNSVILLE IOWA CLINIC

Mr. Rolando Martinez, Health Administrator, stated that the Contract had been renegotiated due to the reduction of State Funds, and added that the difference was that the services to be provided were reduced from a cost of \$200.00 a session to no cost.

Commissioner Cascos moved that the Agreement between the Cameron County Health Department and the Obstetrician/Gynecologist (OB/GYN) Associates of Brownsville, Limited, be approved to provide Pre-Natal and Obstetrical Services in the County Brownsville Iowa Clinic.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Agreement is as follows:

(21) AUTHORIZATION TO AMEND THE RIGHT-OF-WAY (R-O-W) ACQUISITION CONTRACT WITH ALLEN, WILLIFORD AND SEALE, INCORPORATED, TO REFLECT THE CHANGE IN FEES AND DEADLINES IMPOSED BY THE ACQUISITION ACCELERATION

Mr. Andy Cueto, County Engineer, stated that the Contract contained a condition that if there were any major changes in the scope of the work then the maximum allowable would be \$275,000.00, in case expert testimony was needed in condemnation cases.

Commissioner Matz questioned whether there were any condemnations cases and Mr. Cueto replied that there was possibly one (1) due an unknown title.

Commissioner Valencia questioned the County Engineer as to the status on Web Road west of the Expressway and Mr. Cueto replied that the County contracted with Willms Engineering on that road.

Commissioner Cascos questioned whether the Contract concerned the same issue in which the Cities of Harlingen and San Benito were going to fund the excess cost of the amount budgeted and the County Engineer replied that the Contract was for the accelerated acquisitions, and added that the entire Contract was amended.

Commissioner Cascos stated that he had not seen the Contract but that it appeared to be the same issue that Commissioner Matz had moved to ensure that the Cities were assessed the amount of money in excess of the budgeted cost.

Judge Garza stated that it was his understanding that the Cities would split the difference at \$35,000.00 each, if the cost of acceleration came in over the budgeted amount, and if the costs were within the budgeted amount, then the costs would be part of the Project Cost. He added that as a practical matter, it was most because the costs came in within budget.

There was some discussion concerning the agreement reached at the previous Meetings concerning said matter and Commissioner Matz suggested that the Minutes be reviewed, and added that the Cities of Harlingen and San Benito had expressed that the matter was important enough to bear the cost, and that there were limits expressed in a letter.

Ms. Rosemary Martinez, Budget Officer, stated that she recalled the discussion but that she did not think that coming below the \$200,000.00 Budget was ever an issue, and that the letter referred to the Cities committing \$35,000.00 each, if the costs exceeded the Budget.

There was additional discussion concerning the acceleration benefits to the County and whether the Cities would contribute to the excess of the Line Item budgeted or of the total Project Budget.

Commissioner Matz moved that the Amendment to the Right-of-Way (R-O-W) Acquisition Contract with Allen, Williford and Seale, Incorporated, be approved to reflect the change in fees and deadlines imposed by the Acquisition Acceleration.

The motion was seconded by Commissioner Valencia and carried the following vote:

AYE: Commissioners Rosenbaum, Matz, and Valencia

NAY: None

ABSTAIN: Commissioner Cascos.

The Contract is as follows:

(25) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 12:25 P. M. to discuss the following matter:

A) Discuss renewal of Contract between Cameron County and Southwind Aviation to lease space at the Cameron County Airport, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 12:45 P.M.

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(26) ACTION RELATIVE TO EXECUTIVE SESSION

A) Action regarding discussion on renewal of Contract between Cameron County and Southwind Aviation to lease space at the Cameron County Airport.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should prepare a Lease Agreement, along the terms and conditions as outlined in Executive Session, and that said Lease be reviewed with County Commissioner Precinct No. 3, who would then propose it to the tenant.

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to prepare a Lease Agreement regarding the renewal of the Contract between Cameron County and Southwind Aviation to lease space at the Cameron County Airport, along the terms and conditions as outlined in Executive Session, said Lease Agreement to be reviewed with County Commissioner Precinct No. 3, who would then propose it to the tenant.

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NOT ON DESIGNATE SEPTEMBER AS VOTER AGENDA REGISTRATION MONTH

Judge Garza stated that the Elections Administrator had requested that the month of September, 1994, be designated as "Voter Registration Month" in order to get as many people registered before October 7, 1994, for the General Election of November 8, 1994.

Ms. Tencha de la Peña, Elections Administrator, stated that the Project was being accomplished in conjunction with the Brownsville Jaycees, and added that area businesses were being asked to volunteer (2) individuals to serve as Voter Registrars.

WORKSHOP

(1) DISCUSS THE COUNTY ENGINEERING OFFICE ACTIVITIES RELATED TO THE THOROUGHFARE PLAN, OFF SYSTEM BRIDGE INVENTORY, AND WATER AND WASTEWATER PLAN

Mr. Andy Cueto, County Engineer, explained that there were three (3) Master Plans developed by the Engineering Department as follows:

- a) The Thoroughfare Plan established the Right-of-Way widths for County Roads and State Highways and defined new corridor areas to be incorporated during the Subdivision process;
- b) The Off-System Bridge Inventory surveyed all the Off-System Bridges in the County, graded them according to the deterioration, structural soundness, and traffic counts, and assigned the rehabilitation or replacement cost to each; and
 - c) The WasteWater Plan outlined the County's efforts to alleviate "colonia" problems. The Plan identified the location of most of the Colonias in the County and the location of Wastewater Projects and encompassed other Agencies besides the County.

At this time, Mr. Michael Martin, Assistant Engineer, reviewed the process utilized in developing the Plans, in conjunction with the area municipalities, that would improve mobility and be sensitive to the environment and presented the **following outline:**

County Judge compliment the Engineer Department for the work done with the Plans, and added that the Plans must be presented as meaningful Projects to the decision makers in the County and State; otherwise, they would remain just "Plans".

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(9) AUTHORIZATION TO ADOPT A COUNTY THOROUGHFARE PLAN

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Thoroughfare Plan was adopted.

The Thoroughfare Plan is as follows:

Workshop was recessed at 1:20 P. M., to be reconvened after the Public Hearing scheduled later in the day.
There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by
Commissioner Cascos and carried unanimously, the Regular Meeting was ADJOURNED.
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APPROVED this 18th day of OCTOBER, 1994.
COUNTY JUDGE
ATTEST:
COUNTY CLERK AND EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT OF CAMERON COUNTY, TEXAS

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the